

**REMARKS**

Claims 1-44 are pending in the application.

Claims 1, 10, 25, 29, 32 and 42-44 are amended herein.

Support for the amendment of claims 1 and 10 may be found, for example, at page 26, lines 11-14. Support for the amendment of claims 25, 29 and 32 (and 42-44) may be found, for example, in the claims as originally filed. The term "a hydrocarbon-containing material" clearly includes a hydrocarbon within its art-recognized meaning.

Applicant respectfully submits that all of the claims are allowable over the prior art of record in this application and Applicant respectfully requests the Examiner to withdraw the rejections of all of these claims and to allow all of them.

**Rejection of Claims over Garrett, U.S. Patent No. 4,498,992.**

In the Office Action dated 17 October 2006 claims 1 and 9 were rejected as anticipated by Garrett, and the remaining claims were rejected as obvious over the combination of Garrett and Mallan, and in some cases, one or more tertiary references. Applicant traverses the rejections of the claims over Garrett, Mallan and the various tertiary references for the following reasons.

Garrett discloses a process for treating transformer oil with Fuller's earth. The Garrett process includes and requires further processing subsequent to the treatment with Fuller's earth, including dewatering and degassing the product, in order to obtain re-useable transformer oil. Applicant's process requires no such further processing, as defined in the presently submitted amended claims. Mallan similarly requires substantial further processing to separate or remove the "pyrolytic oil" from the output of its plastics recycling process.

Applicant has amended claims 1-24, 35, 36, 40 and 41 to specify that the process does not include additional or separate steps to remove any contaminant after the contacting step. As disclosed in Applicant's specification, a contaminant is an impurity or other non-hydrocarbon material. Applicant's process does not require removal of any such material, in contrast to Garrett and Mallan.

Accordingly, Garrett cannot anticipate claims 1 and 9, and Garrett and Mallan cannot have rendered obvious any of the remaining claims 1-24, 35, 36, 40 and 41, in any of the asserted combinations. For this reason, Applicant respectfully submits that the presently pending claims 1-24, 35, 36, 40 and 41 are in condition for allowance.

### **Rejection of Claims Over Garrett and Mallan**

In the Office Action dated 17 October 2006 claims 2, 3, 6-8, 10 and 15-24 were rejected as obvious over the combination of Garrett and Mallan. Garrett has been described and distinguished above. Claims 25-44 stand rejected over Garrett and Mallan, and in some cases, these references in combination with one or more tertiary references. Applicant traverses the rejections of these claims over Garrett and Mallan, with or without the various tertiary references for the following reasons.

Mallan does not obtain a hydrocarbon from the process disclosed therein. Rather, Mallan obtains a "pyrolytic oil". Mallan discloses, at col. 2, lines 4-17, that the "pyrolytic oil" obtained from the plastics recycling is unique and by Mallan is "characterized as an oxygenated, complex organic fluid, typically up to 40% and sometimes up to 85% soluble in water, acids or base." Mallan further discloses, at col. 2, lines 25-27, that the empirical formula which best fits the pyrolytic oil analysis is  $C_8H_8O_2$ . Mallan also discloses that when this "pyrolytic oil" is combined with a hydrocarbon, two separate phases are formed. While the material disclosed by Mallan is the product of the pyrolysis of plastics, etc., and this material will burn and so can be used as a fuel for combustion, the pyrolytic oil is not a hydrocarbon. A hydrocarbon has a specific gravity of significantly less than 1. The specific gravity of Mallan's "pyrolytic oil" is from 1.1 to 1.4. Mallan does not identify this material. However, one thing is beyond argument: the Mallan "pyrolytic oil" is not a hydrocarbon.

Applicant has amended claims 25-34, 37-39 and 42-44 to specify that the "hydrocarbon-containing material" is a hydrocarbon. Accordingly, these claims fully distinguish over the combination of Mallan and Garrett, because the material obtained by Mallan is not a hydrocarbon. Therefore, even if the Mallan process is coupled with

the Garrett process, the claimed invention is not and would not be obtained. Accordingly, the claims invention cannot have been rendered obvious by the asserted combination of Garrett and Mallan, with or without the additional tertiary references.

For this reason, Applicant respectfully submits that the presently pending claims 25-44 are in condition for allowance.

Applicant respectfully submits that all of the claims pending in the present application fully distinguish over the prior art.

### **CONCLUSION**

As shown by the foregoing, Applicants respectfully submit that the presently disclosed and claimed invention patentably distinguishes over the asserted prior art. Accordingly, Applicants request the Examiner to withdraw the previously stated rejections and to allow the present claims.

If any issues remain, or if the Examiner considers that a telephone interview would be helpful to facilitate favorable prosecution of this application, the Examiner is invited to telephone the undersigned attorney.

Applicant submits herewith a petition and fee for a two-month extension (\$225.00), and the RCE fee (\$395.00). It is believed no additional fee is required for this filing. However, if any additional fee is required, please charge the fee to Deposit Account No. 18-0988, Order No. ORRCP0100US.

Respectfully submitted,

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